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TO

Amend the Land Law (Ireland) Act, 1881, the Land Law (Ireland) Act, 1887, and the Redemption of Rent (Ireland) Act, 1891. A.D. 1890.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 1. A lessee or tenant shall, for the purpose of the Land Law (Ireland) Act, 1881, the Land Law (Ireland) Act, 1887, and the Redemption of Rent (Ireland) Act, 1891, be deemed to be in bonâ fide occupation of his holding notwithstanding that portion of the same, not exceeding *one-half* in value thereof, is in the actual
10 occupation of under tenants under a sub-letting or demise existing at the time of the making of the lease or contract of tenancy under which the holding is held.

Lessee or tenant to be deemed to be in occupation under certain circumstances.

2. A lessee or tenant shall be deemed to be in bonâ fide occupation of his holding notwithstanding that portion of the same, not
15 exceeding *one-half* in value thereof, is in the actual occupation of under tenants when the landlord has assented or consented to such sub-letting, and such assent or consent has been established by evidence satisfactory to the court, notwithstanding that such assent or consent has not been made, given, or evidenced by writing
20 or in the manner prescribed by the lease or contract under which the holding is held.

Lessee or tenant to be deemed to be in occupation when the landlord has assented or consented to the sub-letting.

3. Where in fixing a fair rent part of the holding is found to be sub-let, and the court considers that such sub-letting is trivial, or that it was made with the assent or consent of the landlord, the
25 court may prescribe such terms as to rent and tenure with regard to the portion sub-let as it thinks fit.

Power to court to fix a rent on the portion in occupation of under tenants.

[Bill 95.]

A.D. 1893.

Equities
between
landlord and
tenant
arising pend-
ing appeal to
be dealt
with by
court.

4. The Land Commission, in the exercise of the jurisdiction conferred by the forty-seventh section of the Land Law (Ireland) Act, 1881, in respect of the determination of any matter under the Landlord and Tenant (Ireland) Act, 1870, and the Acts amending the same, shall entertain any claim or objection or set-off in respect of 5 matters that have occurred since the date of the hearing before the county court, in the like manner as the county court is empowered to deal with such claims, objections, or set-off under the provisions of the eighteenth section of the said Landlord and Tenant (Ireland) Act, 1870. 10

No rent to
be placed on
holding in
respect of
improve-
ments made
by lessee.

5. In considering for the purpose of the Redemption of Rent (Ireland) Act, 1891, what will be the full agricultural rent of a holding, the Land Commission shall not include in their estimate any rent in respect of improvements made by the lessee, grantee, or their predecessors in title, in respect of which the landlord would not be 15 entitled to claim rent upon the fixing of a fair rent pursuant to provisions of section eight of the Land Law (Ireland) Act, 1881.

Land Com-
mission to
take into ac-
count any
fine paid by
lessee or
grantee to
landlord.

6. The Land Commission shall, in determining what is the full agricultural rent of a holding, take into account in the interest of the lessee or grantee any money or money's worth paid or given to 20 the lessor or grantor or to his predecessor in title by way of fine, if they are of opinion that the same was given to secure a reduction of the rent to be paid under the lease or grant.

Land Com-
mission in
like manner
to take into
account
when fixing
fair rent
any fine paid
by lessee or
grantee.

7. In fixing the redemption price of such holding, or, where the parties do not agree to a sale, then in fixing the fair rent, the Land 25 Commission shall, where they are satisfied that any money, money's worth, or fine was paid or given to the lessor or grantor or to his predecessor in title to secure a reduction in the rent payable under the lease or grant, take such money, money's worth, or fine into account in reduction of the purchase money or the fair 30 rent.

Tenant
during sta-
tutory term
may cut turf
for use in
the holding.

8. Where there is upon any holding in respect of which a fair rent has been or shall hereafter be fixed pursuant to the provisions of the Land Law (Ireland) Act, 1881, turf bog unreclaimed and unprofitable for agriculture, the tenant of such holding shall during 35 the statutory term have, as incidental to and inseparable from his tenancy in the said holding, the right, concurrently with the landlord, to cut, use, and enjoy the said turf bog, so far as such shall be necessary for the bonâ fide use of the holding by the tenant and his lawful sub-tenants, but not for any purpose of trade or manufac- 40

turo or for profit or sale, unless the right so to use and enjoy the same shall be expressly granted or consented to in writing by the landlord or his agent thereunto lawfully authorised. Provided that such tenant shall exercise the right hereby conferred in such
5 manner only as shall not interfere with the concurrent right of the landlord and his licensees and the due and proper reclamation of the soil of such bog.

A.D. 1893.

9. This Act may be cited for all purposes as the Land Law Short title.
(Ireland) Act, 1893.

**Land Law (Ireland)
Acts Amendment.**

**A
B I L L**

To amend the Land Law (Ireland)
Act, 1871, the Land Law (Ireland)
Act, 1885, and the Redemption of
Rent (Ireland) Act, 1891.

*(Proposed and brought in by
Mr. Shaw, Mr. Johnston, Mr. Allen,
Mr. Russell, and Lord Frederick Russell.)*

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